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July 6, 2005

Amy E. Dougherty, General Counsel  
Public Service Commission  
211 Sower Boulevard  
P.O. Box 615  
Frankfort, Kentucky 40601

Re: Russell Springs  
Docket No. 2001-00354

Dear Amy:

Pursuant to our meeting and subsequent discussions, the following reflects the current status of the above-referenced project. Pursuant to a Certificate of Public Convenience and Public Necessity issued on the 5<sup>th</sup> of March, 2002, the Hemphill Corporation proceeded to construct and put into service the above-referenced site. Documentation regarding the construction of the aforementioned site is attached hereto. The current provider on this site is Nextel WIP Lease Corporation (d/b/a Nextel Partners) and there are no other providers located on the tower at this time.

If there are any modifications with respect to the applicable Certificate of Public Convenience and Necessity, Hemphill will notify the PSC promptly. Further, Hemphill Corporation and all providers located on the tower will comply with all applicable laws and regulations.

Thank you for your continuing assistance in these matters. If you have any questions, please do not hesitate to contact me.

Very truly yours,

Patrick R. Hughes

PRH/rmc

Enclosures

cc: Ms. Sherry McFee  
Mr. John Hemphill

68209.1

ATTORNEYS AT LAW

Federal Aviation Administration  
Southern Region, ASO-520  
P.O. Box 20636  
Atlanta, GA 30320

AERONAUTICAL STUDY  
No: 02-ASO-0214-OE

*Docket No. 2001-354*

ISSUED DATE: 01/31/02

SHERRY MCFEE KY1326  
HEMPHILL CORPORATION  
3515 DAWSON RD  
TULSA, OK 74115

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has completed an aeronautical study under the provisions of 49 U.S.C., Section 44718 and, if applicable, Title 14 of the Code of Federal Regulations, part 77, concerning:

Description: NEW ANTENNA TOWER  
1850-1990 MHZ/190 WATTS  
Location: RUSSELL SPRINGS KY  
Latitude: 37-03-50.60 NAD 83  
Longitude: 085-04-20.69  
Heights: 260 feet above ground level (AGL)  
1354 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

-As a condition to this determination, the structure should be marked and/or lighted in accordance with FAA Advisory Circular 70/7460-1K Change 1, Obstruction Marking and Lighting, Chapters 4, 8(M-Dual), & 12.

-It is required that the enclosed FAA Form 7460-2, Notice of Actual Construction or Alteration, be completed and returned to this office any time the project is abandoned or:

N/A At least 10 days prior to start of construction  
(7460-2, Part I)

X Within 5 days after construction reaches its greatest height  
(7460-2, Part II)

While the structure does not constitute a hazard to air navigation, it would be located within or near a military training area and/or route.

This determination expires on 09/12/03 unless:

- (a) extended, revised or terminated by the issuing office or
- (b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case the determination expires on the date prescribed by the FCC for completion of construction or on the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE POSTMARKED OR DELIVERED TO THIS OFFICE AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE.

-As a result of this structure being critical to flight safety, it is required that the FAA be kept apprised as to the status of this project. Failure to respond to periodic FAA inquiries could invalidate this determination.

This determination is subject to review if an interested party files a petition on or before 03/02/02. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and be submitted in triplicate to the Manager, Airspace & Rules Division, ATA-400 Federal Aviation Administration, Washington, D.C. 20591.

This determination becomes final on 03/12/02 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, frequency(ies) or use of greater power will void this determination. Any future construction or alteration, including increase in heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.


This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect to air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

A copy of this determination will be forwarded to the Federal Communications Commission if the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at 404-305-5579. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 02-ASO-0214-OE.

  
Earl P. Newalkin  
Fol: Walter R. Cochran  
Manager, Airspace Branch

(DNH)

7460-2 Attached  
Attachment

The proposed structure would be located approximately 3.57 nautical miles northeast of the Russell County (RUSS) airport reference point. The structure, as proposed, will exceed the standard for determining obstructions to air navigation contained in Part 77, Subpart C, of the Federal Aviation Regulations as follows:

Exceeds FAR Part 77.23 (a)(2) by 3 feet, its height more than 257 feet above ground level (AGL), at its site with respect to the RUSS airport.

The proposed structure was found to have no adverse effect on the VFR airport traffic patterns in the vicinity of the site.

Details of the structure were not circularized to the aeronautical public for comment.

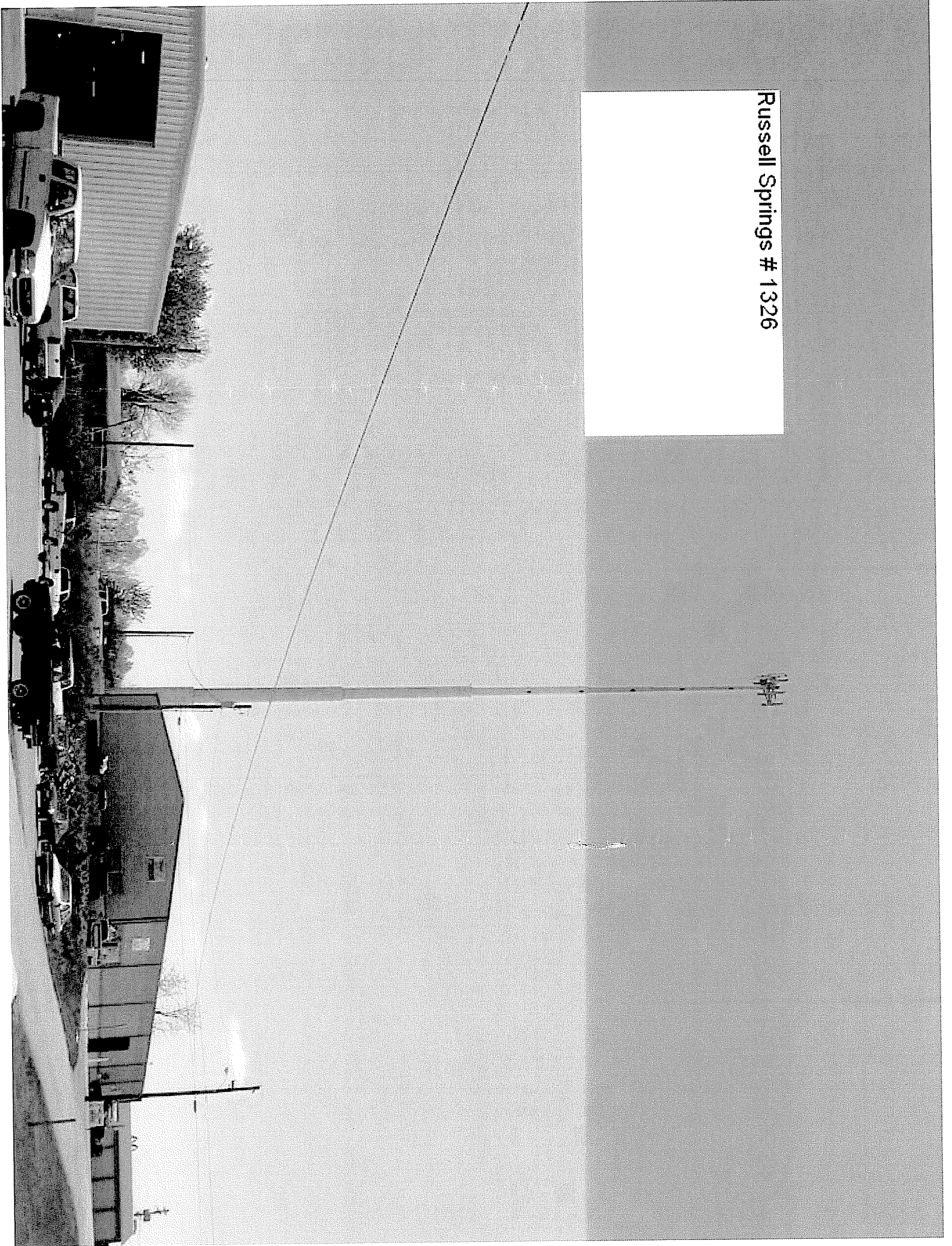
The impact on arrival, departure, and en route procedures for aircraft operating under VFR/IFR conditions at existing and planned public use airports, as well as aeronautical facilities, was considered during the analysis of the structure. The aeronautical study disclosed that the structure, at a height of 1354 feet above mean sea level (AMSL), would have no adverse effect upon any terminal or en route instrument procedure or altitude.

The cumulative impact resulting from the structure, when combined with the impact of other existing or proposed structures was considered and found to be acceptable.

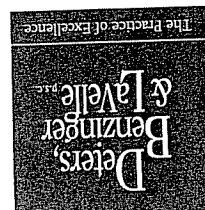
Therefore, it is determined that the structure will have no substantial adverse effect upon the safe and efficient utilization of the navigable airspace by aircraft or on the operation of navigational facilities and will not be a hazard to air navigation.

////////////////////////////////////END OF COMMENTS////////////////////////////////////

Russell Springs # 1326

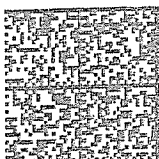






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